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lected under Laws 1902-04, §§ 95, 96, 97, must be refunded, since their meaning could not be extended to apply to hotels; the Legislature evidently intending that it should not.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. § 17; Dec. Dig. § 8 (2).* 9 Va.-W. Va. Enc. Dig. 613.]

For other definitions, see Words and Phrases, First and Second Series, Hotel.]

2. Licenses (§ 34*)—Refunding of License Tax—Voluntary Payment.—Although ordinarily money paid for taxes voluntarily or under mistake of law cannot be refunded, that is not true of license taxes since Code 1904, § 568, provides that any person assessed with a license tax may within one year secure a refund; the general rule being expressly contradicted by such statute.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. § 68; Dec. Dig. § 34.* 9 Va.-W. Va. Enc. Dig. 306.]

Error to Hustings Court of Richmond.

Proceedings by the Hotel Richmond Corporation and others against the Commonwealth. Heard on writ of error to review an order adverse to the petitioners. Reversed.

R. E. Byrd, of Richmond, for plaintiff in error.

John G. Pollard, Atty. Gen., for the Commonwealth.

ROBINSON *v.* CHRISTIAN.

March 20, 1916.

[88 S. E. 164.]

Courts (§ 42 (6)*)—Establishment—Validity of Statutes.—Acts 1914, c. 142, creating the office of civil and police justice in the cities of Newport News and Alexandria, and providing the jurisdiction thereof, is constitutional and valid.

[Ed. Note.—For other cases, see Courts, Cent. Dig. §§ 181-183; Dec. Dig. § 42 (6).* 3 Va.-W. Va. Enc. Dig. 700.]

Mandamus by E. S. Robinson against T. J. Christian. Order that the writ issue.

S. O. Bland, of Newport News, for plaintiff.

S. Gordon Cumming, of Hampton, for respondent.

SOUTHERN RY. CO. *v.* JONES' ADM'R.

March 16, 1916.

[88 S. E. 178.]

1. Railroads (§ 308)—Operation—Negligence—Crossing Accidents—Violation of Ordinance.—Where a city ordinance required gates to

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.